

HON. JAMES A. HAYNES  
District Judge - Dept. 2  
Twenty-First Judicial District  
Ravalli County Courthouse  
205 Bedford - Suite B  
Hamilton, Montana 59840  
(406) 375-6780  
Fax (406) 375-6785

RECEIVED  
JAN 10 2007  
Ravalli County Commissioners

*Sent to  
planning for their  
dispo.*

FILED  
DEBBIE HARMON, CLERK

JAN 08 2007

*engaged*  
DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

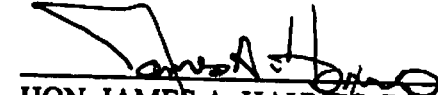
GARY G. SHATZER,  Plaintiff,  vs.  LEE GRYMES and PATSY J. BUSENBARK,  Defendants.	Cause No. DV 06-76 / 5 Department No. 2   <b>ORDER</b>
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To the Ravalli County Commissioners:

On January 4, 2007, a Stipulation for Entry of Partition Order was filed by Plaintiff Gary G. Shatzer and Defendants Lee Grymes and Patsy J. Busenbark, seeking a court ordered division of land. See Exhibit A attached. Pursuant to MCA §76-3-201(2), the governing body of Ravalli County is hereby notified of the proposed division of land.

IT IS HEREBY ORDERED that Ravalli County Commissioners shall submit any written comments they may have on this proposed land division within thirty (30) days of the date of this Order. In the absence of timely comments, the Stipulation will be granted as presented.

DATED this 8<sup>th</sup> day of January, 2007.

  
\_\_\_\_\_  
HON. JAMES A. HAYNES, District Judge

cc: Lawrence D. Johnson, Esq.  
Lee Grymes, Pro se  
Patsy J. Busenbark, Pro se  
Ravalli County Commissioners  
Ravalli County Planning Department  
Ravalli County Environmental Health Dept.

I certify that I forwarded copies of  
this instrument to counsel of record *safe &*  
*noted listed by regular mail*  
*January 09 2007*  
\_\_\_\_\_  
Debbie Harmon, Clerk  
By: *[Signature]*  
Deputy

1 Lawrence D. Johnson  
Attorney at Law  
2 345 West Main  
P. O. Box 500  
3 Hamilton, MT 59840  
Telephone: 406 363 1655  
4 Attorney for Plaintiff

FILED  
DEBBIE HARMON, CLERK

JAN 04 2007  
*Nathaniel Daniel*  
DEPUTY

5  
6  
7  
8 MONTANA TWENTY FIRST JUDICIAL DISTRICT COURT, COUNTY OF RAVALLI

9 GARY G. SHATZER, ) DEPT. NO. 2  
10 ) CAUSE NO. DV 06 76 / 4  
Plaintiff, )  
11 )  
-VS- )  
12 ) STIPULATION FOR ENTRY  
LEE GRYMES and PATSY J. BUSENBARK, ) OF PARTITION ORDER  
13 )  
Defendants. )

14 The Plaintiff and Defendants hereby agree that the Court in the  
15 above-captioned action can enter a Partition Decree as follows:

16 1. The real property described in the Complaint shall be  
17 divided as follows:

18 a. GARY G. SHATZER shall receive:

19 Tract C on the attached plat.

20 TOGETHER WITH 60' road and utility easements shown on the  
21 plat across the Tract B and the northern 30' of the parcel  
22 lying south of Tract B.

23 TOGETHER WITH and SUBJECT TO a 60' by 60' easement in the  
24 northwest corner of Tract C, then along the northern 60' of  
Tract A for road and utility purposes to Tract C and  
property lying to the north.

25 b. LEE GRYMES shall receive:

26 Tract B on the attached plat.

27 SUBJECT TO 60' road and utility easements for the benefit

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1 of Tract C as shown on the plat.

2 c. PATSY J. BUSENBARK shall receive:

3 Tract A on the attached plat.

4 SUBJECT TO an easement for road and utility purposes across  
5 the North 60' of Tract A for access to Tract C and 80 acres  
of property lying due north of Tract C.

6 d. A copy of the Survey is attached hereto.

7 2. Each parcel shall be subject to rights of purchase as  
8 follows:

9 a. In the event any owner wants to sell or transfer his  
10 or her property, he or she shall offer the other owners the right to  
11 purchase his or her parcel at 95% of appraised fair market value.  
12 The person offering the property shall pick an independent certified  
13 appraiser and give notice to the other owners (the Initial Notice).  
14 If they wish to exercise their right to purchase, the other owners  
15 shall, within thirty (30) days of the Initial Notice, choose another  
16 independent certified appraiser and inform the offeror of their  
17 desire to exercise this right. If the other owners do not pick  
18 another appraiser and give notice of exercising this right within  
19 thirty (30) days, this right to purchase shall lapse and the owner  
20 wanting to sell may market his or her property free of any right in  
21 the others to purchase. If the right is exercised, the two  
22 appraisers will then pick a third appraiser and the three appraisers  
23 shall set a fair market value. If the appraisers cannot agree on a  
24 value, then each shall set a value and the three values averaged to  
25 set the fair market value. All appraised values shall be at fair  
26 market value for the highest and best use of the property. Once the  
27 values have been set, the other owners shall have forty-five (45)

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1 days within which to purchase the property at 95% of the established  
2 purchase price either for cash, or on terms at 30% down with monthly  
3 payments amortized over ten (10) years with interest fixed at the  
4 applicable federal rate plus 1%, for the month prior to closing. If  
5 the sale does not close within one hundred twenty (120) of the  
6 Initial Notice, the right to purchase shall lapse. Once this right  
7 has lapsed for a parcel, it shall lapse permanently as to that  
8 parcel. The other parcels shall, between the owners of the two other  
9 parcels only, remain subject to this right of purchase.

10           b. Each party agrees that the property shall not be sold,  
11 assigned, gifted, devised or transferred in any manner to any person  
12 who is not a lineal descendant of Gertrude E. Shatzer, or a spouse of  
13 a lineal descendant of Gertrude E. Shatzer, without first offering  
14 the property to the other owners as set forth in paragraph 2. a.

15           3. Plaintiff and Defendants shall each receive any water  
16 rights appurtenant to the real property each is receiving.

17           4. Each party shall be responsible for their own attorney's  
18 fees and costs.

19           5. The Court is authorized to enter a Partition Decree  
20 incorporating the terms of this Stipulation. All parties agree to  
21 execute whatever deeds are necessary to accomplish the division of  
22 the property.

23           Dated this 28 day of December, 2006.

24   
25 GARY G. SHATZER

  
PATSY J. BUSENBARK

26   
27 LEE GRYMES

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# CERTIFICATE OF SURVEY

PURPOSE: COURT ORDER

OWNERS: GARY G. SHATZER, LEE GRYMES & PATSY J. BUSENBARK

A PORTION OF THE NE $\frac{1}{4}$ ,  
SECTION 2, T5N, R21W, P.M.M.,  
RAVALLI COUNTY, MONTANA

## LEGAL DESCRIPTION

A tract of land located in and being a portion of the NE $\frac{1}{4}$ , Section 2, T5N, R21W, P.M.M., Ravalli County, Montana and being more particularly described as Government Lots 1 & 2, excepting Parcel A, Certificate of Survey No. 3585, containing 78.16 acres and all according to Certificate of Survey No. 3585.

Excepting and reserving any encumbrances shown, also subject to all encumbrances of record and as apparent upon the ground.

## OWNER CERTIFICATE

I (we) hereby certify that this division of land is created by order of a court of record in this state (Montana Twenty First District Court, County of Ravalli County, Cause No. 28-94-\_\_\_\_). Therefore this survey is exempt from review pursuant to Section 76-3-202(1) & 76-4-120(2)(a) MCA.

\_\_\_\_\_  
Gary G. Shatzer      Lee Grymes

\_\_\_\_\_  
Patsy J. Busenbark

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 2004 personally appeared Gary G. Shatzer, Lee Grymes & Patsy J. Busenbark known to me to be the persons whose names are subscribed to this instrument.

NOTARY PUBLIC FOR THE STATE OF MONTANA  
residing at \_\_\_\_\_  
my commission expires \_\_\_\_\_

## CERTIFICATE OF SURVEYOR

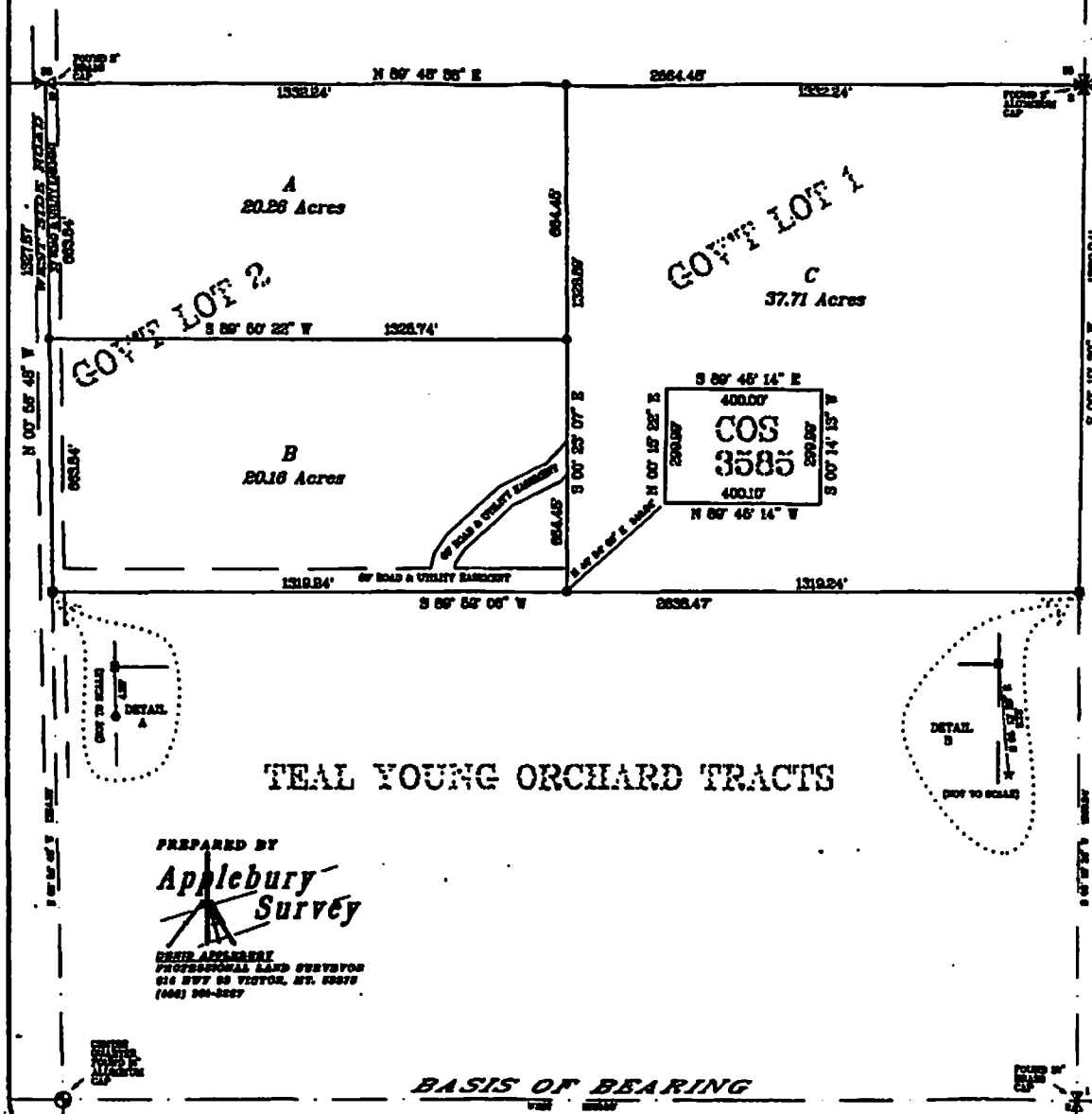
I hereby certify that this is a true and accurate description of a survey made by me or under my supervision during the month of August, 2004.

Date \_\_\_\_\_  
Deane Applebury, Professional Land Surveyor, Montana Registration No. 67019



- SET 1" REBAR W/ 1" PLASTIC CAP
- SET 1" ALUMINUM CAP
- ★ FOUND 3/4" IRON PIN
- FOUND 1" BRASS CAP

$\frac{1}{4}$	SEC	T	R	CERTIFICATE OF SURVEY NO. _____ RAVALLI COUNTY, MONTANA SHEET _____ OF _____
2	5N	21W		



PREPARED BY  
**Applebury Survey**  
DEANE APPLEBURY  
PROFESSIONAL LAND SURVEYOR  
616 5TH SO VICTOR, MT. 59719  
(406) 304-3227